

NOTES

1. BASIS OF BEARINGS FOR THIS SURVEY WAS DETERMINED BY A HIGH PRECISION GPS SURVEY USING TOPCON DUAL-FREQUENCY (L1/L2) GPS RECEIVERS, DIFFERENTIALLY COLLECTED AND PROCESSED WITH MAGNET OFFICE VERSION 3.1 SOFTWARE. NAD83 ALASKA STATE PLANE GRID COORDINATES (U.S. SURVEY FEET) OBTAINED FROM THE GPS OBSERVATIONS WERE BASED ON THE NGS PUBLISHED VALUES FOR FEDERAL BASE NETWORK CONTROL STATION "HOMAR" (PID T10155).
2. TRUE BEARINGS AND DISTANCES WERE DETERMINED BY ROTATING AND SCALING FROM GRID USING FEDERAL BASE NETWORK CONTROL STATION "HOMAR" AS A SCALING POINT. TRUE BEARINGS WERE DETERMINED BY ROTATING GRID INVERSE AZIMUTHS -1°17'13.4". TRUE DISTANCES WERE OBTAINED BY DIVIDING GRID INVERSE DISTANCES BY 0.999866696.
3. THE RESULTING SCALED COORDINATES WERE TRANSLATED TO A LOCAL COORDINATE SYSTEM BASED ON FEDERAL BASE NETWORK CONTROL STATION "HOMAR" (PID T100000). ALL COORDINATE VALUES REPRESENT GROUND DISTANCES IN U.S. SURVEY FEET ORIENTED TO TRUE NORTH.
4. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
5. ALL LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO CITY OF HOMER ZONING REGULATIONS. REFER TO THE HOMER CITY CODE FOR ALL CURRENT SETBACK AND SITE DEVELOPMENT RESTRICTIONS. OWNERS SHOULD CHECK WITH THE CITY OF HOMER PLANNING DEPARTMENT PRIOR TO DEVELOPMENT ACTIVITIES.
6. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING U.S. NAVY PERMITS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
7. THE LOT IS AFFECTED BY A BLANKET EASEMENT OF RECORD GRANTED TO HOMER ELECTRIC ASSOCIATION (8K19, PG 87 HRD).
8. WASTEWATER DISPOSAL PLANS FOR WASTEWATER DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE WITH THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
9. THESE LOTS ARE SERVED BY CITY OF HOMER WATER AND SEWER.

NOTARY'S ACKNOWLEDGMENT

FOR: _____
 ACKNOWLEDGED BEFORE ME THIS _____, 2017.
 DAY OF _____

NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES: _____

NOTARY'S ACKNOWLEDGMENT

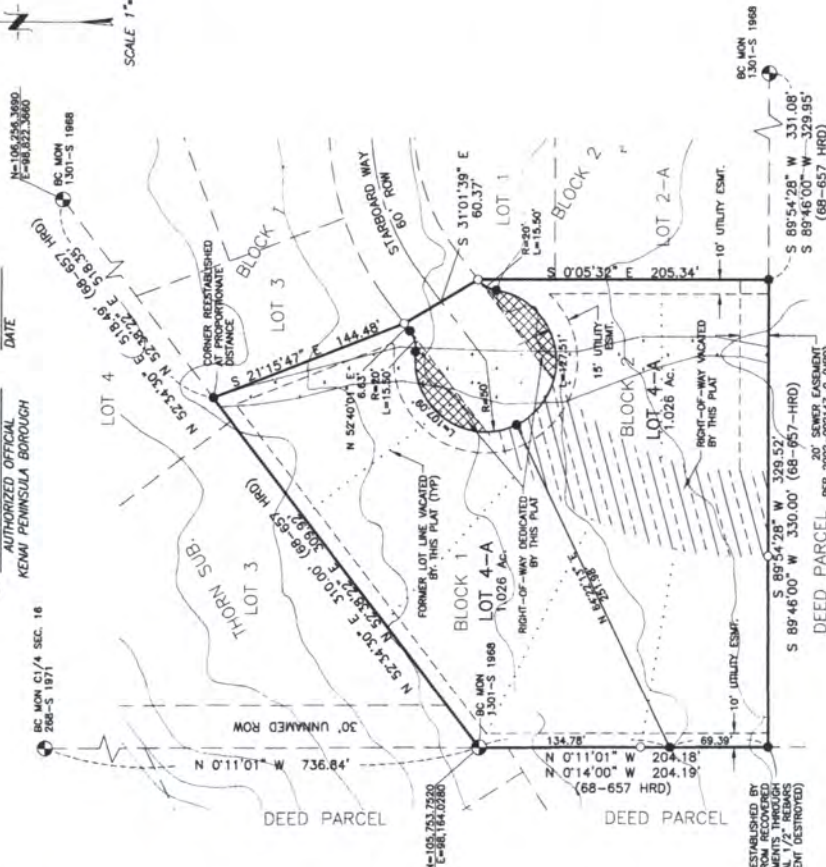
FOR: _____
 ACKNOWLEDGED BEFORE ME THIS _____, 2017.
 DAY OF _____

NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES: _____

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____ DATE _____

BY: _____ AUTHORIZED OFFICIAL
 KENAI PENINSULA BOROUGH

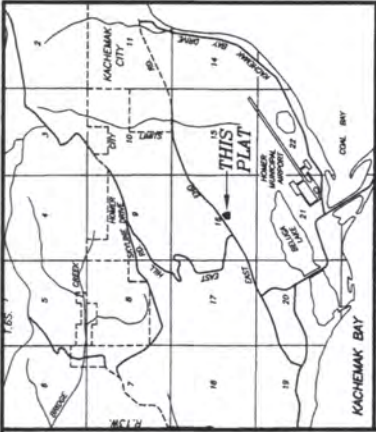


CERTIFICATE OF ACCEPTANCE

THE UNDERSIGNED OFFICIAL, IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF HOMER FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS:
 THE UTILITY EASEMENTS WITHIN THE 15' FEET ADJACENT TO ALL STREET ROW'S AND WITHIN THE 5' SETBACK FROM ALL SIDE LINES.
 THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

BY: _____ NAME AND TITLE OF AUTHORIZED CITY OFFICIAL
 CITY OF HOMER, ALASKA

INDICATES WETLANDS PER USACE JURISDICTIONAL DETERMINATION
 POA 2008-78, BELUGA LAKE



VICINITY MAP

SCALE: 1" = 1 MILE
 U.S.G.S. QUAD, SLEEDOWN (C-4 & C-5)

CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

KEVIN S. FRALEY, JR.
 3670 POPPY CIRCLE
 HOMER, ALASKA 99603

PAMELA J. FRALEY
 3670 POPPY CIRCLE
 HOMER, ALASKA 99603

LEGEND

- INDICATES PRIMARY MONUMENT RECOVERED AS SHOWN
- INDICATES 1/2" REBAR RECOVERED THIS SURVEY
- INDICATES 5/8" X 30" REBAR WITH 2" ALCP (7538-S, 2017) SET THIS SURVEY

HOMER RECORDING DISTRICT KPB FILE NO. 2017-???

**MARINER VILLAGE SUBDIVISION
 FRALEY REPLAT**

COMBINING LOTS 4-B, BLOCK 1, AND LOTS 4 & 5, BLOCK 2, MARINER VILLAGE SUBDIVISION (68-657 HRD), INTO LOT 4-A, BLOCK 2, AND LOTS 4-B, BLOCK 2, AND LOT 4-B, BLOCK 2, LOCATED WITHIN THE NW 1/4, SEC. 18, T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA CONTAINING 2.240 ACRES

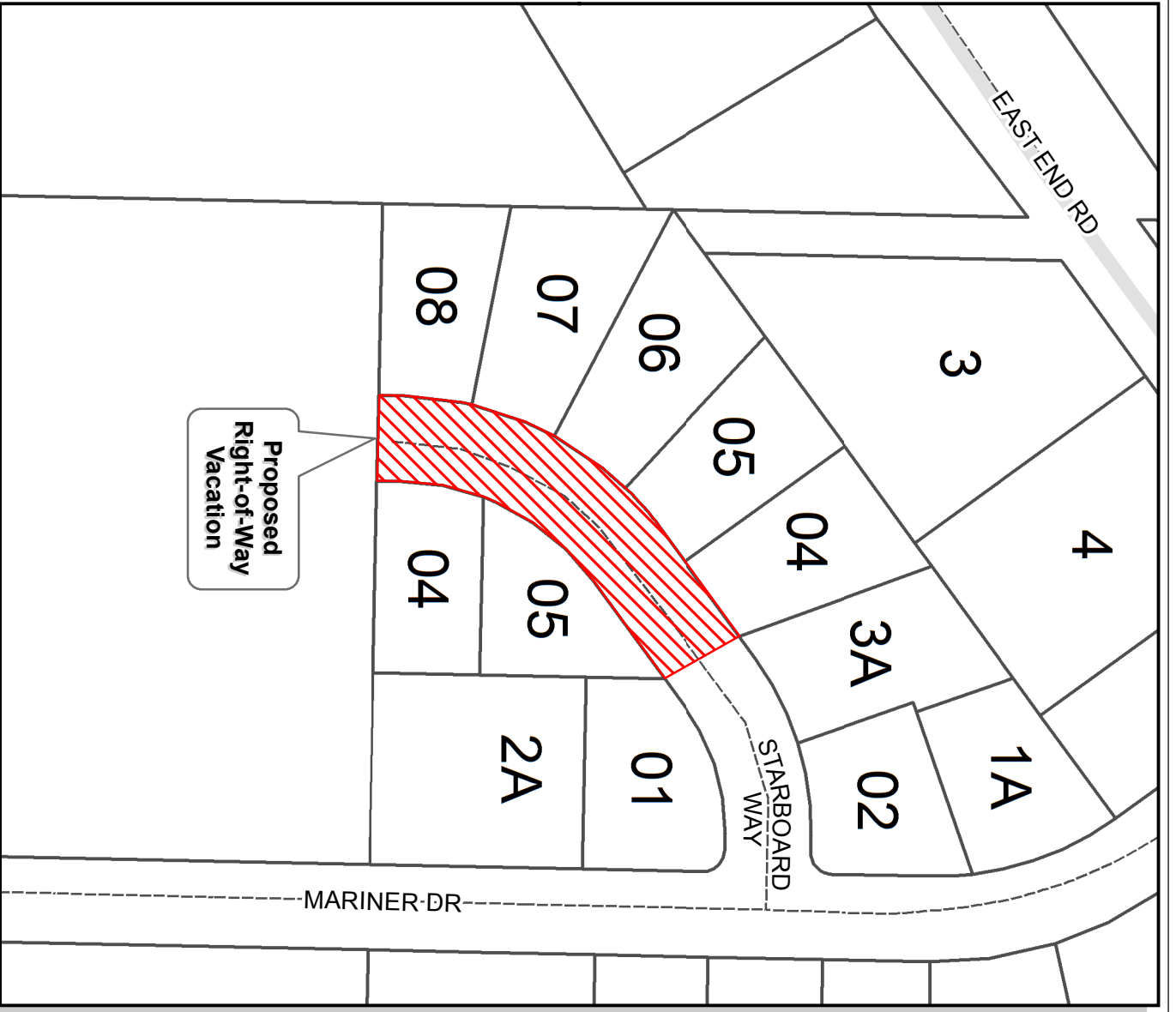
OWNERS:
 KEVIN S. FRALEY, JR. AND PAMELA J. FRALEY
 3670 POPPY CIRCLE, HOMER, AK 99603

GEOVERA, LLC
 PO BOX 3235
 HOMER ALASKA 99603
 (907) 399-4345
 EMAIL: scsmith@gci.net

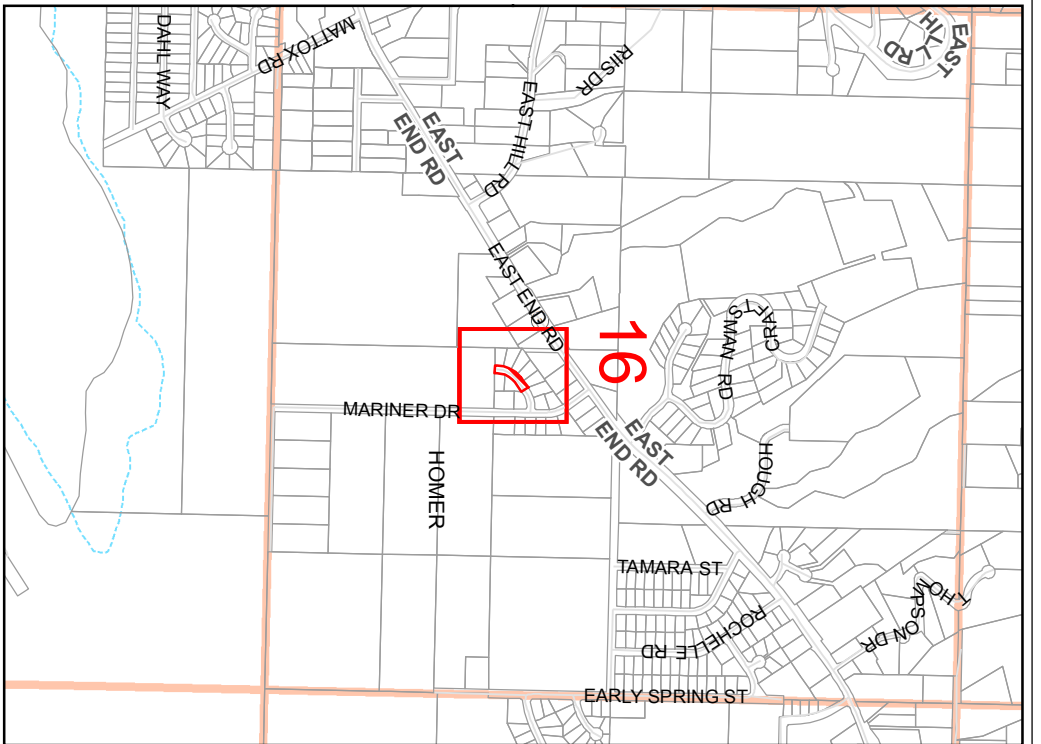
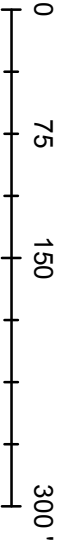
DRAWN BY: SCS DATE: JUNE 2017 SCALE: 1" = 60'
 CHK BY: SCS JOB #16-54 SHEET 1 OF 1



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



Proposed Right-of-Way Vacation



KPB 2018-010V
T06S R13W S16
HOMER

JReif, KPB
 Date: 2/5/2018

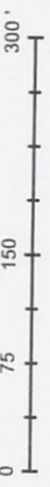


JReif, KPB
te: 2/5/2018

Right of Way Vacation



Aerial View



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for errors on this map.





Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Charlie Pierce
Borough Mayor

February 28, 2018

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
NOTICE OF DECISION
MEETING OF FEBRUARY 26, 2018**

RE: Vacate that portion of the Starboard Way right-of-way adjacent to Lots 4-8 Block 1 and Lots 4 and 5 Block 2 Mariner Village Subdivision as dedicated on Mariner Village Subdivision, Plat HM 68-657. That portion of the right-of-way being vacated is unconstructed and located within the NW 1/4 SE 1/4 of Section 16, Township 6 South, Range 13 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough; KPB File 2018-010V

During their regularly scheduled meeting of February 26, 2018, the Kenai Peninsula Borough Planning Commission granted approval of the Starboard Way right-of-way vacation based on the following findings of fact and conditions.

Findings

1. The proposed vacation is within the City of Homer.
2. Development of the property must comply with the requirements of the zoning district.
3. The proposed vacation and replat are within the Rural Residential District.
4. After brief discussion about the wetland and cul-de-sac, the Homer Commission recommended approval of the proposed vacation on June 7, 2017.
5. Per the submittal, a portion of the property has been determined to be wetland per USACOE Jurisdictional Determination POA 2008-78, Beluga Lake.
6. A portion of Starboard Way is affected by wetlands per POA 2008-78.
7. Development of the cul-de-sac proposed to be dedicated will require a permit from the Corps of Engineers prior to construction.
8. The block will be served by 60-foot wide Mariner Drive, which is partially constructed.
9. The 18-acre adjoining parcel to the south fronts Mariner Drive and has been issued a Mariner Drive address.
10. The 4.85-acre parcel to the west fronts East End Road and has been issued an East End Road address.
11. Sufficient rights-of-way exist to serve surrounding properties.
12. No surrounding properties will be denied access.
13. Per Homer City Staff Report 17-55, the portion of Starboard Way proposed to be vacated is not constructed and does not contain city utilities.

Conditions

1. Consent by the Homer City Council.
2. Grant utility easements requested by the utility providers.

3. Submittal and review of the preliminary plat and final plat with a timeframe such that recordation of the plat will occur within one year of vacation consent.

In accordance with AS 29.40.140, no vacation of a city right-of-way and/or easement may be made without the consent of the city council. The proposed vacation has been forwarded to the Homer City Council. The City Council has 30 days from February 26, 2018 in which to veto the decision of the Planning Commission. If no veto is received from the Council within the 30-day period, the decision of the Commission will stand.

Please contact the Homer City Office to verify the date the subject vacation will be reviewed by the Council.

This notice and unapproved minutes of the subject portion of the meeting were sent February 28, 2018 to:

Geovera, LLC
PO Box 3235
Homer, AK 99603

Kevin & Pamela Fraley
3670 Poppy Cir
Homer, AK 99603-7460

Homer City Council
491 East Pioneer Avenue
Homer, AK 99603

Homer Advisory Planning Commission
491 East Pioneer Avenue
Homer, AK 99603

AGENDA ITEM F. PUBLIC HEARINGS

2. Vacate that portion of the Starboard Way right-of-way adjacent to Lots 4-8 Block 1 and Lots 4 and 5 Block 2 Mariner Village Subdivision as dedicated on Mariner Village Subdivision, Plat HM 68-657. That portion of the right-of-way being vacated is unconstructed and located within the NW 1/4 SE 1/4 of Section 16, Township 6 South, Range 13 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough; KPB File 2018-010V

Staff Report given by Max Best

PC Meeting: 2/26/18

Purpose as stated in petition: A portion of Starboard Way was constructed along with city water and sewer mains. The construction was stopped at the point where a wetland crosses the right-of-way (USACOE POA 2008-78, Beluga Lake). The City of Homer planning department agreed to allow the owners to dedicate a cul-de-sac, vacate the remaining right-of-way to the south boundary, vacate the existing lot lines, and create two lots from the existing seven that will access city utilities. Property to the south has access from a developed right-of-way 235 feet to the east.

Petitioners: Kevin S. Fraley, Jr. and Pamela J. Fraley of Homer, AK.

Notification:

Public notice was published in the February 15 issue of the Homer News as a separate ad. The public hearing notice was published in the Peninsula Clarion, Homer News, and Seward Journal the week of February 19 as part of the Commission's tentative agenda.

Twenty-two certified mailings were sent to owners of property within 300 feet of the proposed vacation. Three receipts have been returned when the staff report was prepared. Thirteen notices were sent by regular mail to owners of property within 600 feet of the proposed vacation.

Public hearing notices were emailed to 16 agencies and interested parties.

Two notices were emailed to KPB Departments. Public hearing notices were made available to 10 KPB Departments via a shared database.

Notices were mailed to the Homer Post Office and Homer Community Library with a request to be posted in public locations.

The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

Homer Advisory Planning Commission: After brief discussion about the wetland and cul-de-sac, the Homer Commission recommended approval of the proposed vacation on June 7, 2017.

KPB Addressing Officer: Addresses will need to be updated by the City of Homer. The City should name the unnamed right-of-way. No objection to the vacation.

KPB Planning: The proposed vacation is within the city; no review required.

KPB Roads Department: The proposed vacation is outside the KPB Roads Department Jurisdiction.

River Center: Not within the Habitat Protection District.

State Parks: No comments.

ADOT&PF: This is off system and of no impact to our current Department inventory.

Staff Discussion:

The preliminary plat submittal was incomplete when the staff report was prepared. The plat will be scheduled for Plat Committee review when the submittal is complete. An exception to KPB 20.30.030, extending the unnamed 30-foot right-of-way, will be required for the preliminary plat.

The City of Homer regulates the floodplain by HCC 21.41 Flood Prone Areas. Per the Homer City staff report, the proposed vacation is in Zone D, flood hazards undetermined.

The following utility provider comments were received:

Homer Electric Association: No comments.

Alaska Communications: No objections.

ENSTAR: No comments, recommendations or objections.

Findings:

1. The proposed vacation is within the City of Homer.
2. Development of the property must comply with the requirements of the zoning district.
3. The proposed vacation and replat are within the Rural Residential District.
4. After brief discussion about the wetland and cul-de-sac, the Homer Commission recommended approval of the proposed vacation on June 7, 2017.
5. Per the submittal, a portion of the property has been determined to be wetland per USACOE Jurisdictional Determination POA 2008-78, Beluga Lake.
6. A portion of Starboard Way is affected by wetlands per POA 2008-78.
7. Development of the cul-de-sac proposed to be dedicated will require a permit from the Corps of Engineers prior to construction.
8. The block will be served by 60-foot wide Mariner Drive, which is partially constructed.
9. The 18-acre adjoining parcel to the south fronts Mariner Drive and has been issued a Mariner Drive address.
10. The 4.85-acre parcel to the west fronts East End Road and has been issued an East End Road address.
11. Sufficient rights-of-way exist to serve surrounding properties.
12. No surrounding properties will be denied access.
13. Per Homer City Staff Report 17-55, the portion of Starboard Way proposed to be vacated is not constructed and does not contain city utilities.

STAFF RECOMMENDATION: Based on the above findings, staff recommends approval of the vacation as petitioned, subject to:

1. Consent by the Homer City Council.
2. Grant utility easements requested by the utility providers.
3. Submittal and review of the preliminary plat and final plat with a timeframe such that recordation of the plat will occur within one year of vacation consent.

KPB 20.70.110:

A vacation of a city street, public right-of-way, public area, or public easement located within an incorporated city may not be approved without the consent of the Homer City Council. The Homer City Council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the city shall be considered to have given consent to the vacation.

KPB 20.70.120:

- A. **Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.**
- B. **Upon denial by the planning commission, no reapplication or petition concerning the same**

vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.

KPB 20.70.130:

THE FINAL PLAT MUST BE RECORDED WITHIN ONE YEAR OF THE VACATION CONSENT IN KPB 20.70.110.

END OF STAFF REPORT

Vice Chairman Ruffner opened the meeting for public comment. Seeing and hearing no one wishing to speak Vice Chairman Ruffner closed the public comment period and opened discussion among the Commission.

MOTION: Commissioner Foster moved, seconded by Commissioner Bentz to approve the vacation of that portion of the Starboard Way right-of-way adjacent to Lots 4-8 Block 1 and Lots 4 and 5 Block 2 Mariner Village Subdivision based on the following findings of fact and per staff recommendations.

Findings:

1. The proposed vacation is within the City of Homer.
2. Development of the property must comply with the requirements of the zoning district.
3. The proposed vacation and replat are within the Rural Residential District.
4. After brief discussion about the wetland and cul-de-sac, the Homer Commission recommended approval of the proposed vacation on June 7, 2017.
5. Per the submittal, a portion of the property has been determined to be wetland per USACOE Jurisdictional Determination POA 2008-78, Beluga Lake.
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10. The 4.85-acre parcel to the west fronts East End Road and has been issued an East End Road address.
11. Sufficient rights-of-way exist to serve surrounding properties.
12. No surrounding properties will be denied access.
13. Per Homer City Staff Report 17-55, the portion of Starboard Way proposed to be vacated is not constructed and does not contain city utilities.

VOTE: The motion passed by unanimous consent.

BENTZ YES	CARLUCCIO YES	ECKLUND YES	ERNST YES	FIKES YES	FOSTER YES	ISHAM YES
LOCKWOOD ABSENT	MARTIN ABSENT	MORGAN YES	RUFFNER YES	VENUTI YES	WHITNEY YES	11 YES 2 ABSENT

~~AGENDA ITEM F. PUBLIC HEARINGS~~

- ~~3. Vacate that portion of the 30-foot wide Hoyt Avenue right-of-way adjacent to the southern boundary of Lot 4 Nikishka Subdivision Fox Addition, Plat KN 85-204, as dedicated on Hoyt Subdivision, Plat KN 74-59. That portion of the right-of-way being vacated is unconstructed and located within the Kenai Peninsula Borough; KPB File 2018-011V.~~

Staff Report given by Max Best

PC Meeting: 2/26/18

Purpose as stated in petition: Petitioner wants to combine his properties separated by the right-of-way. This right-of-way accesses the lake at a swamp area and other lake access is available.



Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Charlie Pierce
Borough Mayor

February 28, 2018

Homer City Council
491 East Pioneer Avenue
Homer, AK 99603-7645

RE: Vacate that portion of the Starboard Way right-of-way adjacent to Lots 4-8 Block 1 and Lots 4 and 5 Block 2 Mariner Village Subdivision as dedicated on Mariner Village Subdivision, Plat HM 68-657. That portion of the right-of-way being vacated is unconstructed and located within the NW 1/4 SE 1/4 of Section 16, Township 6 South, Range 13 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough; KPB File 2018-010V

Dear Homer City Council Members:

In accordance with AS 29.40.140, no vacation of a city right-of-way and/or easement may be made without the consent of the city council. The KPB Planning Commission approved the referenced right-of-way vacation during their regularly scheduled meeting of February 26, 2018. This petition is being sent to you for your consideration and action.

The City Council has 30 days from February 26, 2018 in which to veto the decision of the Planning Commission. If no veto is received from the Council within the 30-day period, the decision of the Planning Commission will stand.

Attached are draft, unapproved minutes of the pertinent portion of the meeting and other related material.

Sincerely,

Max J. Best
Planning Director

MJB:pdh

Attachments